

**K.A.R. 28-19-563 CLASS II OPERATING PERMITS; PERMIT BY RULE;
HOT MIX ASPHALT FACILITIES**

(a) For purposes of this regulation, a hot mix asphalt facility shall be a facility used to manufacture hot mix asphalt by heating and drying aggregate and mixing it with asphalt cement and that does not contain other emission sources, which alone or in combination with the hot mix asphalt facility, would require the source to obtain a class I operating permit solely because of its potential-to-emit.

(b) A hot mix asphalt facility may operate pursuant to this regulation and K.A.R. 28-19-542 if:

(1) the facility is of a continuous drum mixing design, which uses venturi scrubbers, a baghouse, or equivalent particulate emission controls to limit particulate emissions to 0.04 grains per dry standard cubic foot of exhaust gas; and

(2) the owner or operator of the facility:

(A) limits production at the facility to no more than 250,000 tons of hot mix asphalt during any consecutive 12 month period;

(B) maintains on-site records demonstrating that the production restrictions and particulate emission limits set forth in this regulation have not been exceeded. Records shall be updated monthly no later than the last day of the month following the month to which the records relate; and

(C) annually submits to the department by April 1 of each year, on forms provided or approved by the department, a report of the actual tons of hot mix asphalt produced at the source during the preceding calendar year.

(c) If, at the end of any calendar quarter, operations for the past four calendar quarters, including the most recent calendar quarter, have exceeded 85% of any of the production restriction specified in this regulation, the owner or operator shall report to the department the actual production for the past four calendar quarters.

(1) The actual production shall be reported in the same units as the restriction specified in this regulation.

(2) The report shall be submitted to the department within 45 days of the last day of the month following the end of the calendar quarter.

(d) If, at any time, a hot mix asphalt facility that has elected to operate in accordance with the terms of this regulation fails to meet any of the requirements of this regulation, the owner or operator shall notify the department in writing, the notice to be mailed or delivered the first working day following discovery of the failure to meet any requirement. Within 60 days of discovery of a failure to meet a requirement, the owner or operator shall submit to the department a compliance plan identifying those actions being taken by the owner or operator to assure future compliance with applicable restrictions or to otherwise bring the source into compliance with this regulation or the Kansas air quality statutes and regulations. The owner or operator shall also file an application for any required operating permit within 180 days of discovery of an exceedance of any applicable restriction. Compliance with the requirements of this subsection does not shield the owner or operator from enforcement action for exceeding any applicable restriction or for other violations of the Kansas air quality act or regulations.

(e) A source that elects to operate in accordance with this rule shall continue to be subject to all other applicable requirements of the Kansas air quality statutes and regulations. (Authorized by K.S.A. 1993 Supp. 65-3005; implementing K.S.A. 1993 Supp. 65-3008; effective Jan. 23, 1995.)

EPA Rulemakings

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Description: This revision adopts this new rule to establish the conditions for issuance of a permit-by-rule to specific source categories.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.